THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15816 OF 2000

DATED 25.10.2005

M/s. Seethammadhara Cooperative House Building Society Limited (Reg.No.B.1628/76) rep. by its Secretary Sri K.Gopichand, Visakhapatnam.

…Petitioner

and

The Commissioner, Visakhapatnam Municipal Corporation, Visakhapatnam and others

…Respondents

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ORDER:

The petitioner is a cooperative society. The society allegedly entered into agreement of sale with the sixth respondent for purchase of an extent of Acs.6.00 of land in Survey No.81/3 of Marripalem village, Visakhapatnam District. The petitioner claims exemption from the provisions of Urban Land (Ceiling and Regulation) Act, 1976 (ULC Act, for brevity) in accordance with the guidelines issued by the Government in G.O.Ms.No.136 dated 28.01.1981. Therefore, the petitioner and the owner of the land allegedly made applications to the Government for exemption, which were rejected. Challenging the same, the petitioner filed W.P.No.8520 of 1999, which is

pending at the time of filing of the writ petition. While the matter is pending, the Government issued G.O.Ms.No.455 introducing guidelines for regularization of occupation of urban land by persons who raised constructions and to purchase the land under valid agreements. Therefore, the petitioner withdrew W.P.No.8520 of 1999 with liberty to approach the Government for regularization and filed such an application, which is pending. In the meanwhile, it appears action was initiated by revenue officials for issue of house site pattas to the landless poor persons and tried to interfere with the petitioner's possession. Assailing which, the present writ petition is filed. This Court, while admitting the writ petition on 29.08.2000, stayed grant of pattas.

The learned counsel for the petitioner submits that the application made by the petitioner society for regularization of its alleged occupation in accordance with the orders of the Government in G.O.Ms.No.455 is still pending and if the respondents 3 to 5 assign the land for house site pattas, the exercise by the Government would become futile. **Per contra**, the learned counsel for sixth respondent who claims to be the owner, submits that there was no written agreement of sale between the petitioner society and the sixth respondent and that the petitioner illegally set up oral agreement. He also submits that based on such oral agreement, when the petitioner society approached the Government for exemption under Section 20 of the ULC Act and the application for exemption was rejected.

There is no denial by the respondents 1 to 5, that petitioner's application for regularization of the land in occupation is still pending with the Government. There is also no denial that by reason of the notification issued under Section 10(3) of the ULC Act, the lands stand vested in the Government. Therefore, it is for the Government to consider the applications for regularization. The sixth respondent herein is setting up title in himself alleging that there was no such agreement, based on which the petitioner society is seeking regularization. Therefore, it shall be open to the sixth respondent to approach the Special Officer concerned and raise objections. As and when such objections are filed by the owner/owners, the Special Officer shall consider the same before sending a report to the Government for regularization under G.O.Ms.No.455. The Government may dispose of petitioner's application within a period of eight weeks from the date of receipt of this order. If the land in question is not already assigned to landless poor persons, there shall be *status quo* as on today.

The writ petition is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

25.10.2005.

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